

Notice of Allowability

Application No.

10/693,708

Applicant(s)

KING, ROBERT L.

Examiner

Jennifer A Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application submitted October 24, 2003.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 24 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/25/2004&10/24/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Allowable Subject Matter

1. Claims 1-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: A system for monitoring a bathtub water level is disclosed and includes a main unit adapted for positioning in an interior of a bathtub, the main unit having a backing member, a main unit housing extending outwardly from the backing member, and a plurality of sensors extending outwardly from the backing member, the sensors being positioned below the main unit housing, wherein a microcontroller produces an alarm signal when said sensors detect water contacting the sensors. Water, then, must contact at least two independent sensors for water detection. Moreover, the prior art indicates that this particular device is novel and has not been published or patented by other entities.

In addition, the prior art of Geleziunas (Fig. 1, item 24), Okulov (Figs. 1 and 4, items 3, 4), Whincup (page 3, two electrodes), and Lebrun et al. (Fig. 2, item 4) all disclose a single sensing element located at the bottom of a main unit where the detection of a liquid changes the condition of a circuit and triggers an alarm.

Furthermore, Stevens II discloses a liquid level regulator that includes a plurality of sensing elements positioned below a main unit housing; however, the main unit housing is not positioned within an interior of a tub area, does not include a liquid level alarm, and the sensors do not extend outwardly from a backing member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stevens II (US 5,975,124) discloses a liquid level regulator that includes a plurality of sensing elements positioned below a main unit housing.

Geleziunas (US 4,804,947) discloses a water level alarm where a sensing element is located at the bottom of a main unit.

Okulov (US 5,969,620) discloses a water level alarm where a sensing element is located at the bottom of a main unit.

Lebrun et al. (FR 2 667 392) discloses a water level alarm where a sensing element is located at the bottom of a main unit.

Whincup (GB 2 387 229) discloses a water level alarm where a sensing element is located at the bottom of a main unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703)

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872.9306 for regular communications and after final communications. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone
April 18, 2005



JEFFERY HOF SASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600